

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

JOSEPH ALEXANDER,

Petitioner,

v.

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CIVIL ACTION NO. 1:07CV167  
CRIMINAL ACTION NO. 1:06CR66-1  
(Judge Keeley)

UNITED STATES OF AMERICA,

Respondent.

**ORDER ADOPTING REPORT AND RECOMMENDATION**

On December 5, 2007, pro se petitioner Joseph Alexander ("Alexander") filed a motion pursuant to 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody. On June 6, 2008, United States Magistrate Judge John S. Kaul entered a detailed Report and Recommendation ("R&R") recommending that this Court deny Alexander's § 2255 motion and dismiss this case with prejudice. On June 19, 2008, Alexander filed objections to the R&R.

Upon de novo review, the Court finds that the Magistrate Judge properly applied the controlling legal standard of United States v. Truglio, 493 F.2d 574 (4<sup>th</sup> Cir. 1974), when he determined that Alexander's guilty plea was knowing and voluntary. He also properly applied the controlling legal standard of Strickland v. Washington, 466 U.S. 668 (1984), when he determined that Alexander's claim for ineffective assistance of counsel is meritless.

Consequently, the Court **ADOPTS** the Report and Recommendation in its entirety (civil dkt. no. 8, criminal dkt. no. 105), **DENIES**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

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Alexander's § 2255 petition (civil dkt. no. 1, criminal dkt. no. 94), **DENIES** the other pending motion **AS MOOT** (civil dkt. no. 10, criminal dkt. no. 107), and **DISMISSES** this case **WITH PREJUDICE**. The Court directs the Clerk's office to **STRIKE** this case from the docket of this Court.

It is so **ORDERED**.

The Clerk is directed to mail a copy of this Order to the pro se petitioner, certified mail, return receipt requested and counsel of record.

Dated: August 25, 2008.

/s/ Irene M. Keeley  
IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE